

**5220.2550 PAYMENT OF PERMANENT PARTIAL DISABILITY, INCLUDING IMPAIRMENT COMPENSATION AND ECONOMIC RECOVERY COMPENSATION.**

Subpart 1. **Time of payment.** Permanent partial disability must be paid at the time specified in Minnesota Statutes, sections 176.021 and 176.101. When permanent partial disability compensation is being paid periodically following the payment of temporary total benefits or following or concurrent with the payment of temporary partial benefits, the payments must be continued without interruption at the same intervals that the temporary benefits were paid. When the employee reaches maximum medical improvement, the insurer must request an initial assessment of any permanent partial disability from the employee's physician.

A. When the extent of permanent partial disability is not disputed, upon receipt of a medical report containing a permanency rating or medical information from which the insurer may determine a rating, the employer or insurer must, within 30 days:

(1) make a lump sum payment or begin periodic payments to the employee;  
or

(2) inform the employee in writing of the disability rating and the time when the permanent partial disability payment will be payable under the statute.

B. When the extent of permanent partial disability is disputed, upon receipt of a medical report containing a permanency rating or medical information from which the insurer may determine a rating, the employer or insurer must, within 30 days:

(1) make a minimum lump sum payment or begin periodic payments based on the minimum undisputed permanent partial disability ascertainable; and

(2) notify the employee in writing that an adverse medical examination has been scheduled and the date, time, and place of the examination. The disability rating must be determined and any remaining permanent partial disability payments made or periodic payment begun, within 120 days of the insurer's receipt of the initial medical report containing a permanency rating; or

C. If permanent partial disability benefits are not currently payable under Minnesota Statutes, section 176.101, inform the employee in writing of the disability rating and the time when the permanent partial disability payment will be payable by statute.

**Subp. 2. Notice of benefit payment.**

A. For injuries before January 1, 1984, the employer or insurer must, when payment is made, file with the division and serve on the employee an itemized proof of payment indicating the amount of compensation paid and the date of payment together with a copy of the medical report upon which payment is based.

B. For injuries on or after January 1, 1984, when the insurer makes a lump sum payment of permanent partial disability benefits or begins periodic payment, the employer or insurer shall fully complete, serve on the employee, and file with the division a notice of permanent partial disability benefits which must be on a form prescribed by the commissioner, containing substantially the following information:

- (1) information identifying the employee, employer, insurer, and any adjusting company;
- (2) claim numbers or codes;
- (3) the date of the injury;
- (4) an explanation of the amount, type, and time of payment of permanent partial disability benefits, including the legal authority for the rating;
- (5) monitoring period information;
- (6) instructions to the employee concerning any disagreement about the payment;
- (7) information regarding possible future permanent partial disability payments;
- (8) information regarding previous permanent partial disability payments;
- (9) copies of medical reports containing disability ratings or medical information upon which the insurer bases the rating;
- (10) verification by the insurer, including the name and telephone number of the person making the decision to pay benefits; and
- (11) the date the notice was served on the employee.

Subp. 3. **Place of payment.** Payment under this part is to be made as provided in part 5220.2540, subpart 2.

Subp. 4. **Penalties.** If benefits are not paid as required under subpart 1 or 2, the division may assess penalties under Minnesota Statutes, sections 176.221 and 176.225, and parts 5220.2750, 5220.2760, and 5220.2790. A penalty for failure to file a notice required by this subpart may be assessed under part 5220.2830.

**Statutory Authority:** *MS s 175.17; 175.171; 176.83*

**History:** *11 SR 1530; 18 SR 2546*

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